

FILED

August 12 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0624

ORIGINAL

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WILLIAM RONALD HENDERSON,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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**NOTICE REGARDING RECORD RELATED TO COUNSEL'S  
MOTION TO WITHDRAW**

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In relation to undersigned counsel's *Anders* motion to withdraw as counsel, this Court on July 28, 2010, ordered undersigned counsel to provide Mr. Henderson with "the relevant record and transcripts on appeal upon his written request." Mr. Henderson recently filed a "Motion for Extension of Time Under Provisions of Rule 26(1) Within Which to File a Response to Attorney Mercer's Anders Brief and Motion to Withdraw as Counsel of Record" and a proposed Order. Within the proposed Order Mr. Henderson asks this Court to direct undersigned counsel to provide him with copies of the transcripts and court documents from his "underlying criminal trial, direct appeal, Sentence Review Board, and any other postconviction proceedings."

On August 12, 2010, the Office of the Appellate Defender mailed Mr. Henderson copies of the district court documents from Mr. Henderson's postconviction proceeding (DV-05-063(B)). To counsel's knowledge there were no in-court hearings in this postconviction case from which transcripts would have been prepared.

The Office of the Appellate Defender will not--unless otherwise ordered by this Court--be sending Mr. Henderson copies of the court records and transcripts from his underlying trial, direct appeal, and sentence review. It is the Office of the Appellate Defender and undersigned counsel's position that this Court's July 28, 2010, order to provide "the relevant record and transcripts" does not encompass these previous records as they have no possible bearing upon the present procedural situation in this case, which is whether Mr. Henderson should be granted permission to file an out-of-time appeal from the district court's denial of his petitions for postconviction relief. Obviously, if this Court determines that we have misinterpreted the scope of the Court's July 28, 2009, order and directs us to provide materials beyond the petition for post-conviction relief cause, we will endeavor to do so; although, we are not at present in possession of the records from any of those prior proceedings.

Respectfully submitted this 12<sup>th</sup> day of August, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
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By: Joslyn Hunt  
for KOAN MERCER  
Assistant Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Notice to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
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ED CORRIGAN  
Flathead County Attorney  
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WILLIAM RONALD HENDERSON 309034  
Stafford Creek Corrections Center  
191 Constantine Way  
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DATED: \_\_\_\_\_

8/12/10

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